

IN THE SUPREME COURT OF TEXAS

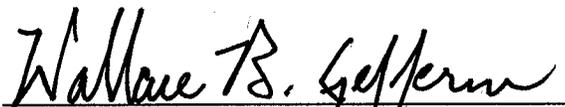
Misc. Docket No. 06-9157

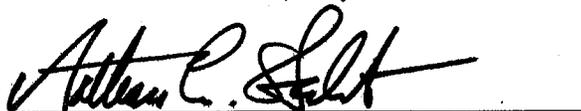
APPROVAL OF LOCAL RULES FOR THE FIRST DISTRICT COURT OF APPEALS, HOUSTON RELATING TO ASSIGNMENT OF RELATED CASES TO AND TRANSFERS OF RELATED CASES BETWEEN THE FIRST AND FOURTEENTH COURTS OF APPEALS

ORDERED that:

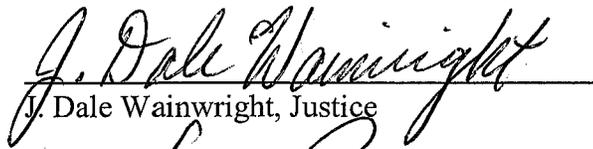
Pursuant to Texas Rule of Appellate Procedure 1.2, the following Local Rules for the First District Court of Appeals are approved.

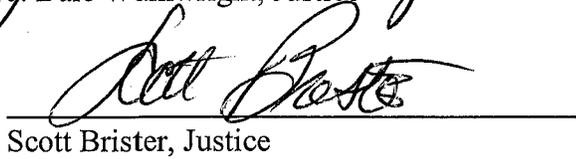
In Chambers, this 7th day of December, 2006.

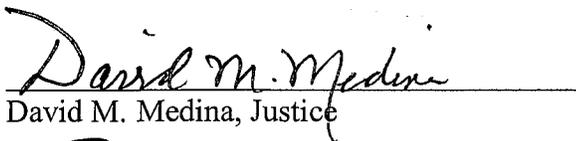

Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice


Harriet O'Neill, Justice


J. Dale Wainwright, Justice


Scott Brister, Justice


David M. Medina, Justice

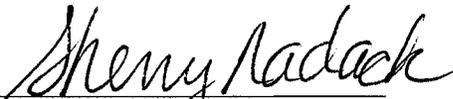

Paul W. Green, Justice

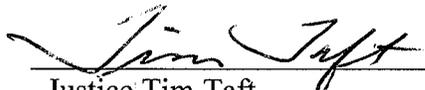

Phil Johnson, Justice

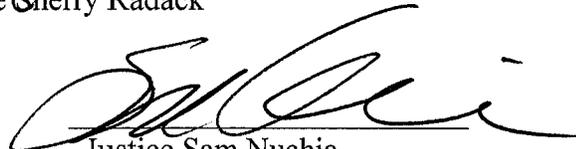

Don R. Willett, Justice

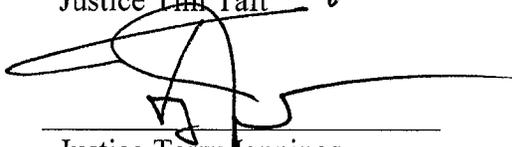
Order Adopting Local Rules

IT IS ORDERED that, effective upon approval by the Supreme Court, these rules are adopted as local rules for the First Court of Appeals with the permission of the Texas Supreme Court.


Chief Justice Cherry Radack


Justice Tim Taft


Justice Sam Nuchia


Justice Terry Jennings


Justice Evelyn Keyes


Justice Elsa Alcalá


Justice George C. Hanks, Jr.


Justice Laura Carter Higley


Justice Jane Bland

Rule 1. Assignment of Related Cases to and Transfers of Related Cases between the First and Fourteenth Courts of Appeals

Rule 1.1 Definitions

(1) "Underlying case" means a trial court case number that is filed in one of the counties that comprise the jurisdiction of the First and Fourteenth Courts of Appeals and is subsequently the subject of either an appeal or original proceeding in the First or Fourteenth Court of Appeals.

(2) "Related" means arising from the same underlying case or a case that has been remanded by either the First or Fourteenth Court of Appeals and includes cases severed from the main case.

(3) "Previously filed" means that a case has been opened at either the First or Fourteenth Court of Appeals and that an appellate case number has been assigned to the underlying case.

Rule 1.2 Assignment of Original Proceedings to either the First or Fourteenth Court of Appeals

(1) Except as noted below, assignment of original proceedings shall be alternated between the First and Fourteenth Court of Appeals.

(2) During the first six months of a calendar year, relators shall first present any original proceeding to the clerk of the First Court of Appeals. During the last six months of a calendar year, relators shall first present any original proceeding to the clerk of the Fourteen Court of Appeals. Hereinafter, the clerk receiving the original proceeding will be referred to as "the intake clerk."

(3) The intake clerk shall log in each original proceeding sequentially, assigning original proceedings between the First and Fourteenth Courts of Appeals on an alternating basis.

(4) If a related appeal or original proceeding has been previously filed in one of the courts, the intake clerk shall assign the original proceeding in the manner provided for in Rule 1.3(2),(3) below.

Rule 1.3 Notice of and Assignment of Related Case in Original Proceedings

(1) At the time an original proceeding is filed in either the First or Fourteenth Court of Appeals, the relator must file a notice indicating whether a related appeal or original proceeding has been previously filed in either the First or Fourteenth Court of Appeals. The notice shall include the caption, trial court case number, and appellate court case number of the related appeal or original proceeding.

(2) If a related appeal or original proceeding has been previously filed in or assigned to either the First or Fourteenth Court of Appeals, the clerk of the appellate court receiving the original

proceeding will assign it to the court of appeals in which the related appeal or original proceeding was previously filed.

(3) If related appeals or original proceedings have been filed in both the First and Fourteenth Courts of Appeals, the clerk of the appellate court receiving the original proceeding will assign it to the court of appeals in which the most recent related appeal or original proceeding was previously filed or assigned.

Rule 1.4 Notice of and Assignment of Related Case in Appeals

(1) At the time of notice of appeal is filed in the trial court, the notice of appeal must contain a statement indicating whether a related appeal or original proceeding has been previously filed in either the First or Fourteenth Court of Appeals and shall include the caption, trial court case number, and appellate court case number of the related appeal or original proceeding.

(2) If a related appeal or original proceeding has been previously filed in or assigned to either the First or Fourteenth Courts of Appeals, the trial court clerk shall assign the appeal to the court of appeals in which the related appeal or original proceeding was previously filed, pursuant to TEX. GOV'T CODE ANN. § 22.202(h) (Vernon 2004), which provides for companion cases to be assigned to the same court of appeals.

(3) If related appeals or original proceedings have been previously filed in both the First and Fourteenth Courts of Appeals, the trial court clerk shall assign the appeal to the court of appeals in which the most recent related appeal or original proceeding was previously filed or assigned, pursuant to TEX. GOV'T CODE ANN. § 22.202(h) (Vernon 2004), which provides for companion cases to be assigned to the same court of appeals.

Rule 1.5 Transfers of Related Cases Between the First and Fourteenth Courts of Appeals

(1) The First or Fourteenth Court of Appeals of appeals may, either sua sponte or on motion of a party, transfer an appeal or an original proceeding to the other Houston court of appeals when a related appeal or original proceeding has been previously filed.

(2) The transferring court shall forward the case file, together with a transfer order, to the clerk of the transferee court. The clerk of the transferee court shall docket the transferred appeal or original proceeding and shall assign it a new appellate case number pursuant to TEX. R. APP. P. 12.1 and 12.2.